

ORDINANCE 1600

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, AMENDING NORTH BEND MUNICIPAL CODE SECTION 8.26.115 RELATING TO CONSTRUCTION NOISE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of North Bend (“City”) has experienced an increase in complaints related to construction noise, and the City Council accordingly desires to more clearly regulate construction noise and include the holidays on which construction noise is prohibited; and

WHEREAS, pursuant to RCW 70.107.060(3), the City Council finds that the construction noise control regulations included herein are justified by the special conditions arising from the substantially increased construction activity within the City, which has led to the related substantial increase in construction noise;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. NBMC Section 8.26.115 (Construction noise), Amended: North Bend Municipal Code Section 8.26.115 is hereby amended to read as follows:

8.26.115 (Construction noise)

Sounds caused by or arising out of construction activities at construction sites are permitted only between the hours of 7:00 a.m. and 8:30 p.m., Monday through Friday, and between 9:00 a.m. and 6:00 p.m. on Saturdays. Such sounds are prohibited at all other times, including at any time on Sundays and the following holidays; New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, regardless of the day of the week of any such holiday.

Notwithstanding any other provision of this chapter, however, the Director of Public Works may authorize construction noise to otherwise occur when necessary in the Director’s reasonable discretion to accommodate transportation mitigation such as evening haul routes,

construction on government facilities which cannot be undertaken during permitted hours, construction activities and site stabilization in the fall prior to the onset of winter weather, emergency work, or similar unusual events.

Section 2. Severability: Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date: This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 13TH DAY OF SEPTEMBER, 2016.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Kenneth G. Hearing, Mayor

Michael R. Kenyon, City Attorney

ATTEST/AUTHENTICATED:

Published: September 21, 2016
Effective: September 26, 2016

Susie Oppedal, City Clerk